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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,914	07/30/2003	Ronald S. Lesniak	034297-000052	9610

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EXAMINER

HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/631,914

Applicant(s)

LESNIAK ET AL.

Examiner

Jefferey F. Harold

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 8, 9, and 11-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, claims 8, 9, and 11-20 disclose that the telephone line is the power source used as the electromotive force to operate the disclosed invention. However, the disclosure fails to provide details regarding the power source being either from the telephone line or some other external source.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claims 1-6*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (United States Patent 6,661,890) in view of Yun (United States Patent 6,084,959).

Regarding **claim 1**, Ellis discloses an apparatus for prestored bypass dialing. In addition, Ellis discloses a method and apparatus for controlling the ring volume of a telephone. In addition, Ellis discloses a ring detect circuit operable to detect electric ring signals received by tip and ring terminals of the telephone the electric ring signals associated with a singular incoming telephone call; a microprocessor (40) coupled to the ring detect circuit configured to receive notification that electric ring signals of the singular incoming telephone call have been detected by the ring detect circuit; and having a ringer switch (23), which reads on claimed "ringer option switch" coupled to the microprocessor, to control ringing between high and low volume level or no ring that signals the microprocessor to generate ringer control signals corresponding to the electric ring signals of the singular incoming telephone call, as disclosed at column 5, line 60 through column 6, line 6 and exhibited in figures 2 and 3, however, Ellis fails to disclose a crescendo setting that signals the microprocessor to generate ringer control signals corresponding to the electrical ring signals of the singular incoming telephone call, wherein the ringer control signals include tone ringer information. However, the examiner maintains that it was well known in the art to provide a crescendo setting that signals the microprocessor to generate ringer control signals corresponding to the electrical ring signals of the singular incoming telephone call, wherein the ringer control signals include tone ringer information, as taught by Yun.

In a similar field of endeavor Yun discloses a method and apparatus for controlling the ring volume of a telephone. In addition, Yun discloses gradually increasing the ring volume level according to the number of ring signals detected, which

reads on "having a crescendo setting". Further CPU (16), which reads on claimed "microprocessor" receives input from the ring detector (12) indicating the presence of a ring signal on the line and outputs a control signal, which reads on claimed "generate ringer control signals corresponding to the electrical ring signals of the singular incoming telephone call". The CPU output signal selects the signal level of the ring tone output from the tone ringer (10), which reads on "wherein the ringer control signals include tone ringer information", as disclosed at column 2, line 66 through column 3, line 34 and exhibited in figures 1 and 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis by specifically a crescendo setting that signals the microprocessor to generate ringer control signals corresponding to the electrical ring signals of the singular incoming telephone call, wherein the ringer control signals include tone ringer information, as taught by Yun, for the purpose of allowing the user to hear the telephone when the user is far away from the telephone or there is an noisy environment.

Regarding **claim 2**, Ellis and Yun, the combination disclose everything claimed as applied above (see claim 1), in addition, Yun discloses an audible ring generator configured to receive the ringer control signals and provide a succession of audible ring signals, wherein at least one audible ring signal in the succession of audible ring signals has a volume that is higher than a volume of a preceding audible ring signal in the succession when the ringer option switch is set at the crescendo setting, as disclosed at column 2, line 66 through column 4, line 51 and exhibited in figures 1 and 2.

Regarding **claim 3**, Ellis and Yun discloses everything claimed as applied above (see claim 2), in addition Yun discloses wherein the audible ring generator comprises a speaker, as disclosed at column 2, line 66 through column 4, line 51 and exhibited in figures 1 and 2.

Regarding **claim 4**, Ellis and Yun discloses everything claimed as applied above (see claim 1), in addition Ellis and Yun discloses an inherent CODEC configured to receive a sequence of ringer control signals from the microprocessor and provide a corresponding sequence of signals for producing a corresponding sequence of audible ring signals, wherein at least one audible ring signal in the sequence of audible ring signals has a volume that is higher than a volume of a preceding audible ring signal in the sequence when the ringer option switch is set at the crescendo setting, as disclosed at column 2, line 66 through column 4, line 51 and exhibited in figures 1 and 2.

Regarding **claim 5**, Ellis and Yun discloses everything claimed as applied above (see claim 1), in addition Yun discloses an audible ring generator configured to receive the ringer control signals and provide a succession of audible ring signals, a first audible ring signal of the succession having a minimum volume and subsequent audible ring signals of the succession having increasing volume levels, as disclosed at column 2, line 66 through column 4, line 51 and exhibited in figures 1 and 2.

Regarding **claim 6**, Ellis and Yun discloses everything claimed as applied above (see claims 1-5), in addition claim 6 is interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-5

3. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Yun and further in view of Hoashi et al. (United States Patent 5,870,684), hereinafter referenced as Hoashi.

Regarding **claim 7**, Ellis and Yun discloses a telephone comprising: a ring detect circuit operable to detect electric ring signals received by tip and ring terminal of the telephone; a microprocessor configured to receive notification that electric ring signals have been detected by said ring detect circuit, and an audible ringer device controlled by the microprocessor, the audible ringer device, upon the telephone's receipt of an incoming call, operable to generate a first audible ring signal having first volume followed by a succession of subsequent audible ring signals of increasing volume levels, as disclosed at column 2, line 66 through column 4, line 51; exhibited in figures 1 and 2 and recited above in the rejection of claim 1, however, Ellis and Yun fail to disclose a displayable menu system in communication with said microprocessor, the menu system having a menu key, which when activated provides a user with one or more ringer options, including a crescendo ringing option. However, the examiner maintains that it was well known in the art to provide a displayable menu system in communication with said microprocessor, the menu system having a menu key, which when activated provides a user with one or more ringer options, including a crescendo ringing option, as taught by Hoashi.

In addition, Hoashi discloses a displayable menu system in communication with said microprocessor, the menu system having a menu key, which when activated provides a user with one or more ringer options, including a crescendo ringing option,

as disclosed at column 3, line 21 through column 4, line 36 and exhibited in figures 3 and 4.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis and Yun by specifically providing a displayable menu system in communication with said microprocessor, the menu system having a menu key, which when activated provides a user with one or more ringer options, as taught by Hoashi, for the purpose of providing a graphical user interface to control the ringer functions.

Response to Arguments

Applicant's arguments filed June 26, 2006 have been fully considered but they are not persuasive. Specifically the above cited rejection more than adequately meets the claim limitation. In addition the examiner respectfully disagrees since the combination discloses wherein the ringer control signals generated by the CPU include information (i.e. tone level output) relating to the tone ringer.

Conclusion

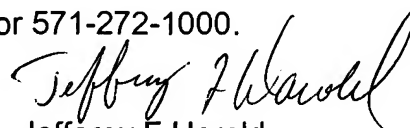
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JFH
July 5, 2006



Jefferey F Harold
Primary Examiner
Art Unit 2614